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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHALONER SAINTILLUS,

Defendant.

CASE NO. 2:20-CR-00213-KJM

UNITED STATES' MOTION *IN LIMINE* NO. 8 –
TO ADMIT POSTAL RECORDS OF REGULARLY
CONDUCTED ACTIVITY

DATE: January 23, 2023
TIME: 9:00 a.m.
COURT: Hon. Kimberly J. Mueller

The United States of America (the “government”) moves *in limine* to admit postal records at trial under Rules 902(11), 902(13), and 803(6) of the Federal Rules of Evidence. The government makes this motion out of an abundance of caution. If the Court grants the government’s Motion *in Limine* No. 2 (regarding summary chart Exhibit 13A), then the government will withdraw the instant motion and rely on that summary chart in place of the voluminous records covered by the instant motion. On the other hand, if the Court denies or defers ruling on the government’s Motion *in Limine* No. 2, the government will proceed with the instant motion.

I. FACTUAL BACKGROUND

Defendant Chaloner Saintillus is charged with twelve counts of distributing controlled substances in violation of 21 U.S.C. § 841(a)(1). Superseding Indictment, ECF No. 159. Undercover law enforcement agents purchased illegal drugs from Saintillus’s online vendor pages on twelve occasions, each time requesting that he mail the drugs to the Eastern District of California.

1 United States Postal Inspector Jason Bauwens conducted much of the investigation that
2 identified Saintillus as the person who was mailing the drugs purchased by undercover agents. Starting
3 with the packages' tracking numbers, Inspector Bauwens used a Postal Service database to obtain
4 information about the packages Saintillus sent, including the date, time, and location where they were
5 deposited into the mail stream. Those data were captured in twelve different spreadsheets and are
6 attached as Exhibit 13A-1 to the government's Motion *in Limine* No. 2. Those spreadsheets include
7 twenty-eight columns of data about each package, including the cost of the postage, the package
8 tracking number to which the postage was affixed, the return and destination mailing addresses on the
9 package, the date and time the package was mailed, and the date and time the package arrived at its
10 destination.

11 Using information from the postage on those same twelve packages, Inspector Bauwens queried
12 a different Postal Service database to determine the date, time, and location where Saintillus purchased
13 the postage for those twelve parcels. Inspector Bauwens determined that Saintillus purchased the
14 postage for the twelve packages in question at a Self-Service Kiosk machine ("SSK") in a post office in
15 Delray Beach, Florida. Data about Saintillus's twelve SSK transactions, which are captured in another
16 twelve spreadsheets, are attached as Exhibit 13A-2 to the government's Motion *in Limine* No. 2. Data
17 recorded in the SSK database and reflected in Exhibit 13A-2 include the start and end times of each of
18 Saintillus's SSK sessions; the various transactions conducted during that session; the postage cost and
19 destination ZIP code for each package mailed during the session (because Saintillus purchased postage
20 for and mailed multiple packages per SSK session); the last four digits of the payment card used to
21 purchase the postage; and for packages sent by Express Mail, the package tracking number.¹

22 Knowing that SSKs generally snap photographs of the user during a transaction session,
23 Inspector Bauwens then used the mailing and postage information described above to obtain
24 photographs of the person who conducted the relevant twelve SSK postage purchases. The SSK
25 captured images of the person mailing each package on ten of the twelve occasions at issue in this case.

26 ¹ Inspector Bauwens had to access a third database to obtain the full credit card number for the
27 credit cards Saintillus used to purchase the postage he affixed to the twelve packages he sent to the
28 Eastern District of California. Those data, which are captured in still another seven spreadsheets, are
attached as Exhibit 13A-3 to the government's Motion *in Limine* No. 2.

1 Though the mailer was wearing a mask on some occasions, it is unmistakably Saintillus in all ten
 2 photos. For instance, in many of the SSK images Saintillus wears distinctive jewelry that agents later
 3 seized from his residence during execution of a search warrant.

4 The Postal Service captured all of the above-described data as part of its regular operations in
 5 order to ensure that packages deposited into the mail stream arrived at their intended destinations, and to
 6 ensure that customers who paid to track their packages (as Saintillus did) could in fact track those
 7 packages to their destinations.

8 **II. LEGAL BACKGROUND**

9 Evidence is self-authenticating and “require[s] no extrinsic evidence of authenticity in order to
 10 be admitted” when it is the “original or a copy of a domestic record that meets the requirements of Rule
 11 803(6)(A)–(C), as shown by a certification of the custodian or another qualified person that complies
 12 with a federal statute or a rule prescribed by the Supreme Court.” Fed. R. Evid. 902(11). Separately,
 13 evidence is self-authenticating where it is a “record generated by an electronic process or system that
 14 produces an accurate result, as shown by a certification of a qualified person that complies with the
 15 certification requirements of 902(11) or (12).” Fed. R. Evid. 902(13).

16 Rule 803(6) of the Federal Rules of Evidence provides an exception to the rule against hearsay
 17 for records of a regularly conducted activity. The substantive elements of this hearsay exception are:

18 (A) the record was made at or near the time by—or from information
 19 transmitted by—someone with knowledge;

20 (B) the record was kept in the course of a regularly conducted activity of a
 business, organization, occupation, or calling, whether or not for profit;

21 (C) making the record was a regular practice of that activity.

22 Fed. R. Evid. 803(6)(A)–(C). Finally, the Sixth Amendment’s Confrontation Clause does not require
 23 custodians of routine business records to submit to cross-examination because such records and their
 24 accompanying certifications are not testimonial. *United States v. Anekwu*, 695 F.3d 967, 974 (9th Cir.
 25 2012) (“We have previously concluded that ‘a routine certification by the custodian of a domestic public
 26 record . . . and a routine attestation to authority and signature . . . are not testimonial in nature.’”
 27 (alteration in original) (quoting *United States v. Weiland*, 420 F.3d 1062, 1077 (9th Cir. 2005))); *see*
 28 *also United States v. Hagege*, 437 F.3d 943, 958 (9th Cir. 2006).

1 **III. ARGUMENT**

2 The Court should grant the government's motion to admit the records from the Postal Service
3 databases described above. All these exhibits are accompanied by a certification that meets the
4 requirements of Rules 902(11), 902(13), and 803(6) of the Federal Rules of Evidence. This certification
5 is attached as Exhibit 1 to this motion. Hence, these records are self-authenticating and comply with the
6 regularly conducted records exception to the hearsay rule. *See* Fed. R. Evid. 902(11), 803(6).

7 Furthermore, none of these records the government seeks to introduce—nor their accompanying
8 certifications—are testimonial. *Anekwu*, 695 F.3d at 974. Hence, the Confrontation Clause does not bar
9 admission of the Postal Service records here.

10 **IV. CONCLUSION**

11 If the Court grants the government's Motion *in Limine* No. 2 as to the summary chart Exhibit
12 13A, then the government will withdraw the instant motion. If the Court does not grant the
13 government's Motion *in Limine* No. 2, then the government respectfully requests that the Court enter an
14 order that the exhibits attached as Exhibits 13A-1, 13A-2, and 13A-3 to the government's Motion *in*
15 *Limine* No. 2 are admissible under Rules 803(6), 902(11), and 902(13) of the Federal Rules of Evidence.

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17 Dated: December 9, 2022

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